

The PRESIDING OFFICER (Ms. SMITH). Without objection, it is so ordered.

DON YOUNG ALASKA NATIVE HEALTH CARE LAND TRANSFERS ACT OF 2022

Mr. SCHATZ. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 441, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 441) to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, the conveyance of certain property to the Southeast Alaska Regional Health Consortium located in Sitka, Alaska, and the conveyance of certain property to the Alaska Native Tribal Health Consortium located in Anchorage, Alaska, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHATZ. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 441) was ordered to a third reading, was read the third time, and passed.

COLORADO RIVER INDIAN TRIBES WATER RESILIENCY ACT OF 2021

Mr. SCHATZ. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 682, S. 3308.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3308) to authorize the Colorado River Indian Tribes to enter into lease or exchange agreements and storage agreements relating to water of the Colorado River allocated to the Colorado River Indian Tribes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Colorado River Indian Tribes Water Resiliency Act of 2022”.

SEC. 2. PURPOSES.

The purposes of this Act are to authorize—

(1) the CRIT to enter into lease or exchange agreements, storage agreements, and agreements for conserved water for the economic well-being of the CRIT; and

(2) the Secretary to approve any lease or exchange agreements, storage agreements, or agreements for conserved water entered into by the CRIT.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT FOR CONSERVED WATER.—The term “agreement for conserved water” means an

agreement for the creation of system conservation, storage of conserved water in Lake Mead, or other mechanisms for voluntarily leaving a portion of the CRIT reduced consumptive use in Lake Mead.

(2) ALLOTTEE.—The term “allottee” means an individual who holds a beneficial real property interest in an allotment of Indian land that is—

(A) located within the exterior boundaries of the Reservation; and

(B) held in trust by the United States.

(3) CONSOLIDATED DECREE.—The term “Consolidated Decree” means the decree entered by the Supreme Court of the United States in *Arizona v. California*, 547 U.S. 150 (2006).

(4) CONSUMPTIVE USE.—The term “consumptive use” means a portion of the decreed allocation that has a recent history of use by the CRIT within the exterior boundary of the Reservation. Any verified reduction in consumptive use pursuant to a lease or exchange agreement, a storage agreement, or an agreement for conserved water shall be deemed to be a consumptive use in the year in which the reduction occurred, subject to the condition that the reduction is reflected in the Water Accounting Report.

(5) CRIT.—The term “CRIT” means the Colorado River Indian Tribes, a federally recognized Indian Tribe.

(6) DECREED ALLOCATION.—The term “decreed allocation” means the volume of water of the mainstream of the Colorado River allocated to the CRIT that is accounted for as part of the apportionment for the State in part I-A of the Appendix of the Consolidated Decree.

(7) LOWER BASIN.—The term “Lower Basin” has the meaning given the term in article II(g) of the Colorado River Compact of 1922, as approved by Congress in section 13 of the Boulder Canyon Project Act (43 U.S.C. 617) and by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000).

(8) PERSON.—The term “person” means an individual, a public or private corporation, a company, a partnership, a joint venture, a firm, an association, a society, an estate or trust, a private organization or enterprise, the United States, an Indian Tribe, a governmental entity, or a political subdivision or municipal corporation organized under, or subject to, the constitution and laws of the State.

(9) RESERVATION.—The term “Reservation” means the portion of the reservation established for the CRIT that is located in the State.

(10) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(11) STATE.—Except for purposes of section 16, the term “State” means the State of Arizona.

(12) STORAGE.—The term “storage” means the underground storage, in accordance with State law, of a portion of the consumptive use off the Reservation within the Lower Basin in the State.

(13) WATER ACCOUNTING REPORT.—The term “Water Accounting Report” means the annual report of the Bureau of Reclamation entitled the “Colorado River Accounting and Water Use Report: Arizona, California, and Nevada” which includes the compilation of records in accordance with article V of the Consolidated Decree.

SEC. 4. LEASE OR EXCHANGE AGREEMENTS.

(a) AUTHORIZATION.—Notwithstanding section 2116 of the Revised Statutes (commonly known as the “Indian Trade and Intercourse Act”) (25 U.S.C. 177) or any other provision of law, the CRIT is authorized, subject to the approval of the Secretary under section 7(a), and has the sole authority, to enter into, with any person, an agreement to lease or exchange, or an option to lease or exchange, a portion of the consumptive use for a use off the Reservation (referred to in this Act as a “lease or exchange agreement”), subject to the conditions that the use off the Reservation is located in the Lower Basin in the State and is not located in the counties of Navajo, Apache, or Cochise in the State.

(b) TERM OF LEASE OR EXCHANGE AGREEMENT.—The term of any lease or exchange agreement entered into under subsection (a) shall be mutually agreed, except that the term shall not exceed 100 years.

(c) MODIFICATIONS.—Any lease or exchange agreement entered into under subsection (a) may be renegotiated or modified at any time during the term of the lease or exchange agreement, subject to the approval of the Secretary under section 7(a), subject to the condition that the term of the renegotiated lease or exchange agreement does not exceed 100 years.

(d) APPLICABLE LAW.—Any person entering into a lease or exchange agreement with the CRIT under this section shall use the water received under the lease or exchange agreement in accordance with applicable Federal and State law.

SEC. 5. STORAGE AGREEMENTS.

(a) AUTHORIZATION.—Notwithstanding section 2116 of the Revised Statutes (commonly known as the “Indian Trade and Intercourse Act”) (25 U.S.C. 177) or any other provision of law, the CRIT is authorized, subject to the approval of the Secretary under section 7(a), and has the sole authority, to enter into an agreement, including with the Arizona Water Banking Authority (or a successor agency or entity), for the storage of a portion of the consumptive use, or the water received under an exchange pursuant to an exchange agreement under section 4, at 1 or more underground storage facilities or groundwater savings facilities off the Reservation (referred to in this Act as a “storage agreement”), subject to the conditions that the facility is located in the Lower Basin in the State and is not located in the counties of Navajo, Apache, or Cochise in the State.

(b) MODIFICATIONS.—Any storage agreement entered into under subsection (a) may be renegotiated or modified at any time during the term of the storage agreement, subject to the approval of the Secretary under section 7(a).

(c) APPLICABLE LAW.—Any storage agreement entered into under subsection (a) shall be in accordance with applicable Federal and State law.

(d) DELEGATION OF RIGHTS.—The CRIT may assign or sell any long-term storage credits accrued as a result of a storage agreement, subject to the condition that the assignment or sale is in accordance with applicable State law.

SEC. 6. AGREEMENTS FOR CREATION OF WATER FOR THE COLORADO RIVER SYSTEM FOR STORING WATER IN LAKE MEAD.

(a) AUTHORIZATION.—Notwithstanding section 2116 of the Revised Statutes (commonly known as the “Indian Trade and Intercourse Act”) (25 U.S.C. 177) or any other provision of law, the CRIT is authorized, subject to the approval of the Secretary under section 7(a), and has the sole authority, to enter into, with any person, an agreement for conserved water, subject to the conditions that if the conserved water is delivered, the delivery is to a location in the Lower Basin in the State and is not to a location in the counties of Navajo, Apache, or Cochise in the State.

(b) TERM OF AN AGREEMENT FOR CONSERVED WATER.—The term of any agreement for conserved water entered into under subsection (a) shall be mutually agreed, except that the term shall not exceed 100 years.

(c) MODIFICATIONS.—Any agreement for conserved water entered into under subsection (a) may be renegotiated or modified at any time during the term of the agreement for conserved water, subject to the approval of the Secretary under section 7(a).

(d) APPLICABLE LAW.—Any agreement for conserved water entered into under subsection (a), and any use of conserved water, shall be in accordance with Federal law, including any program authorized by Federal law.

SEC. 7. SECRETARIAL APPROVAL; DISAPPROVAL; AGREEMENTS.

(a) AUTHORIZATION.—The Secretary shall approve or disapprove any—